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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,460

07/14/2004

Helmut Schmidt

005091-0005

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7590
Centre CDP Capital
1001 Victoria Square
Bloc E - 8th Floor
Montreal, Quebec, H2Z 2B7
CANADA

05/01/2007

EXAMINER

A, PHI DIEU TRAN

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

05/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,460	Applicant(s) HELMUT SCHMIDT	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 15,16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,17 and 19-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of claims 1-14, 17, 19-50 to figure 4 in the reply filed on 2/7/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-14, 17, 19-24, 26-28, 30-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al (4037378).

Collins et al (figure 5) shows a corner key for connecting two or more profiles together, each profile having an end face, a longitudinal drainage and venting passage and a longitudinal securing bore, the corner key comprising first and second adjacent inner corner faces, first and second adjacent outer corner faces opposite to the inner corner faces, and opposite inner and outer side corner faces extending between the inner and outer corner faces, the inner corner faces being shaped for respective coupling with the profiles; first and second guide arrangements having a tab projecting on one of the inner, corner faces and the end faces of the profiles, and an accommodating anchoring channel in the other one of the end faces of the profiles and the inner corner faces, the tab being shaped for fit engagement into the accommodating anchoring channel; first and second bores each extending between a different one of the outer corner faces and one

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of the inner corner faces opposite to the one of the outer corner faces, the bores being in registration with the securing bores of the profiles when the profiles are coupled with the corner key; first and second fasteners respectively insertable in the bores of the corner key and the profiles in a locking arrangement in which the corner key and the profiles are connected together; and a drainage and venting passage extending between the first and second inner corner faces, the drainage and venting passage having opposite end openings in registration with the drainage and venting passages of the profiles when the profiles are coupled with the corner key, wherein the tabs project respectively from the first and second inner corner faces of the corner key for fit engagement into the accommodating anchoring channels in the end faces of the profiles, wherein the tabs form a right angle with each other, wherein the outer side corner face has a water evacuation and pressure equalization vent in communication with the drainage and venting passage of the corner key and the drainage and venting passage of each profile, the vent and the drainage and venting passage of the corner key have substantially flush bottom surfaces declining toward the outer side corner face, wherein the bores of the corner key are located adjacent to the tabs of the corner key, wherein the tabs have tapered ends facilitating fit engagement into the anchoring channels, wherein the tabs and the anchoring channels have matching shapes further facilitating fit engagement of the tabs into the anchoring channels, and wherein each of the tabs has a continuous shape, wherein the first and second inner corner faces form a right angle with each other and the first and second outer corner faces form a right angle with each other, wherein the first and second inner corner faces are provided with a sealing element sealing the corner key with the profiles when the profiles are coupled to the corner key, wherein the first and second inner 21 corner faces respectively comprise first and second sealing

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recesses located adjacent to the tabs, the sealing recesses (figure 5) receiving a sealing element sealing the corner key with the profiles when the profiles are coupled to the corner key, the inner and/or outer side corner faces comprise extension fins for masking joints created between the inner and/or outer side corner faces and the profiles when the profiles are coupled to the corner key, wherein the fasteners comprise screws or rivets, wherein the first and second inner corner faces have substantially flat surface portions, and the sealing recesses have sloped wall surface portions, wherein the corner key is made of thermoplastic material, wherein the inner and/or outer side corner face has a chamfered and rounded corner extending between the inner corner faces, wherein the drainage and venting passage of the corner key has an opening in one of the inner corner faces above the end opening of the drainage and venting passage of the corner key in said one of the inner corner faces, wherein the outer side corner face has a water evacuation and pressure equalization vent in communication with the drainage and venting passage of the corner key and the drainage and venting passage of each profile, two or more lineal profiles (20, 17, figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al (4037378).

Collins et al shows all the claimed limitations except for the tabs forming acute or obtuse angles with each other.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Collins et al's structure to show the tabs forming acute or obtuse angles with each other because having the angles between the tabs being approximately 90 degrees would ease the manufacturing tolerance requirement resulting in cost saving.

6. Claims 25, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al (4037378).

Collins et al shows all the claimed limitations except for the inner or outer side corner faces bear logos, trademarks, information or decorations.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Collins et al's structure to show the inner or outer side corner faces bear logos, trademarks, information or decorations because having information listed on the faces would provide an installer with quick access to needed assembly instruction; furthermore, the use of listing information on a product surface is well known in the art for providing information to a user.

Conclusion

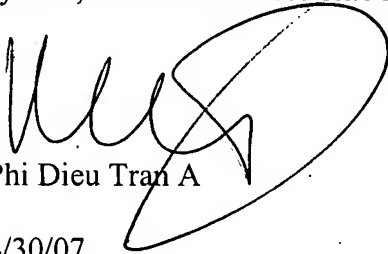
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different corner device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, loopy flourish extending from the end of the signature.

Phi Dieu Tran A

4/30/07